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062891.0320   09/436,920

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shriniwas Lohia   **RECEIVED**

Serial No.:   09/436,920   JUN 2 2 2004

Filing Date: November 9, 1999   Technology Center 2100

Group Art Unit: 2141

Examiner: Adnan M. Mirza

Title: System for Communicating Management Information
                          and Method of Operation

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Reply Brief (6 pages), Copy of Office Action dated April 30, 2004 (15 pages), Copies of U.S. Patent No. 4,937,777 and U.S. Patent No. 6,304,895 B1, a Baker Botts return postcard (1 card), and this Certificate of Mailing are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on this 17th day of June, 2004 addressed to Mail Stop Appeal Brief – Patents, Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

                                   Willie Jiles
                                   Willie Jiles

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Docket _____✓_____ Wrapper _____✓_____

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PTO-90C (Rev. 10/03)

UNITED STATES PATENT AND TRADEMARK OFFICE

OIPE JC60
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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JUN 2 2 2004

Technology Center 2100

Paper No. 19

Application Number: 09/436,920
Filing Date: November 09, 1999
Appellant(s): OHIA, SHRINIWAS

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APR 3 0 2004

Technology Center 2100

Samir A. Bhavsar

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/27/04.

(1)   *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2).   *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3)   *Status of claims*

The statement of the status fo the claims contained in the brief is correct.

(4)   *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5)   *Summary of Invention*

The summary of invention contained in the brief is correct.

(6)   *Issues*

The appellant's statement of the issues in the brief is correct.

(7)   *Grouping of Claims*

The appellant's statement in the brief that Claims 1-21 be grouped as follows for purposes of this appeal:

1. Group I: Claims 1,4-5,7,10-12,14,16,18-19, and 21. (Claims 1 will be addressed below and Claims 4-5, 7, 10-12, 14, 16, 18-19, and 21 may be deemed to stand or fall with claim 1).

2. Group II: Claims 2, 8, and 15. (Claim 2 will be addressed below and Claims 8 and 15 may be deemed to stand or fall with Claim 2).

3. Group III: Claims 3, 6, 9, 13, 17, and 20. (Claim 3 will be addressed below and Claims 6, 9, 13, 17, and 20 may be deemed to stand or fall with Claim 3).

(8)   *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   *Prior Art Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

4,937,777   **Flood et al.**

6,304,895   **Schneider et al.**

(10)   *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-20 are presented for examination.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims1, 4-7,10-14,16,18-20 are rejected under 35 U.S.C. 102(e) as being unpatentable by Flood et al (U.S. 4,937,777).

As per claim 1 Flood disclosed a system for communicating management information, comprising: a first interface card; a second interface card; and a management card coupled to the first interface card and the second interface card (col. 5, lines 65-67 & col. 6, lines 1-22 & col. 4, lines 18-22), the management card operable to receive a command from a client, the command identifying an interface card or a network device associated with an interface card (col. 5, lines 21-26); establish a communication link between a client and a particular one of the first interface card and the second interface card selected in response to a command communicated by the client (col. 4, lines 50-61); and communicate management information using the communication link (col. 4, lines 61-67).

2.   As per claims 4, 11 & 18 Flood disclosed wherein the communication link comprises a

serial communication path (col. 10, lines 1-4).

3.   As per claim 5 Flood disclosed wherein the command comprises information selecting

one of the first interface card and the second interface card (col. 5, lines 12-26).

4.   As per claim 6 Flood disclosed wherein the management information comprises

information used to configure a network device associated with the particular interface card (col.

5, lines 12-26).

5.   As per claims 7 & 14 Flood disclosed a method for communicating management

information performed by a management card (col. 5, lines 65-67 & col. 6, lines 1-3),

comprising: receiving a command from a client, the command identifying a particular one of a

first interface card and a second interface card (col. 5, lines 23-25); establishing a

communication link between the client and the particular interface card in response to receiving

the command; and communicating management information using the communication link (col.

5, lines 12-20).

6.   As per claim 10 Flood taught a method further comprising operating the client to generate

the command and the management information (col. 4, lines 65-67).

7.   As per claims 12 & 19 Flood disclosed wherein the command comprises information

selecting one of the first interface card and the second interface card (col. 5, lines 12-26).

8.   As per claims 13 & 20 Flood disclosed wherein the management information comprises

information used to configure a network device associated with the particular interface card (col.

22, lines 63-67).

9.   As per claim 16 Flood disclosed wherein the processor is further operable to

communicate management information using the communication link (col.5, lines 21-26).

10.   Claim 21 has the same limitation as to claim 1 therefore under the same limitations claim

21 can be rejected.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 2,3,8,9,15,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Flood et al (U.S. 4,937,777) and further in view of Schneider et al (U.S. 6,304,895).

As per claim 2,8,15 Flood teaches the invention as claimed as discussed above; however, Flood

failed to disclose wherein the management card comprises: a switch operable to establish the

communication link between the client and one of a first port and a second port; a memory

operable to store mapping information associating the first port with the first interface card and the second port with the second interface card; and a processor coupled to the memory and the switch, the processor operable to: receive the command; determine the port associated with the particular interface card using the mapping information; and command the switch to establish the communication link between the client and the determined port information; and command the switch to establish the communication link between the client and the determined port.

In the same field of endeavor Schneider disclosed the control applications (220 and 240) utilize a multi-window architecture (e.g., the Multiple Document Interface (MDI) to support control for multiple target devices. When a target computer's window gains focus, the target controller automatically sends the appropriate key stroke sequence to the switch to select the corresponding switch port of that target computer (col. 14, lines 8-17); In one embodiment of the system of the present invention, the user (with the help of a configuration file or configuration "wizard") manually establishes the correlation between the name of a system and its switch/port number. In light of the fact that this manual process can be cumbersome, especially when are tiered in a hierarchy, an alternate embodiment utilizes an automated configuration process. In that embodiment, the switches utilize one of the keyboard or mouse ports or separate dedicated communications port to pass information from the target devices or switches up to the target controller (col. 14, lines 26-36); In one embodiment of the system of the present invention, the user (with the help of a configuration file or configuration "wizard") manually establishes the correlation between the name of a system and its switch/port number (col. 14, lines 26-30); In an alternate embodiment, two or more different users may connect to the same controller. In this

embodiment the two or more users may control different control cards or may share access to the same controller card. In this embodiment, the captured GDI calls for a controller card are routed to the appropriate remote control software. Likewise, a user may be connected to the multiple control cards on one or more cards simultaneously (col. 14, lines 49-56); the control applications (220 and 240) utilize a multi-window architecture (e.g., the Multiple Document Interface (MDI) to support control for multiple target devices. When a target computer's window gains focus, the target controller automatically sends the appropriate keystroke sequence to the switch to select the corresponding switch port of that target computer (col. 14, lines 9-17).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the disclose wherein the management card comprises: a switch operable to establish the communication link between the client and one of a first port and a second port; a memory operable to store mapping information associating the first port with the first interface card and the second port with the second interface card; and a processor coupled to the memory and the switch, the processor operable to: receive the command identifying a particular interface card; determine the port associated with the particular interface card using the mapping information; and command the switch to establish the communication link between the client and the determined port information; and command the switch to establish the communication link between the client and the determined port as taught by Schneider in the method of Flood to do multitasking and make resource management more efficient.

12.   As per claims 3, 9 & 17 Flood disclosed wherein: the first interface card is coupled to a

first network device that uses a first operating system the second interface card is coupled to a

second network device that uses a second operating system (col. 4, lines 33-49); and the

processor is further operable to configure the management information for the operating system

of the network device associated with the particular interface card (col.4, lines 61-67).

(11)   Response to Arguments

As to applicants arguments the response are as follows:

13.   Applicant alleges that prior art fails to equate with the "management card", "first

interface card" and "second interface card" recited in Claim 1. Applicant submits that the

Examiner equated "system controller 16" of prior art with the "management card" of claim 1 and

"program execution modules 18" or "I/O scanner modules 20" of prior art with the interface

cards" of Claim 1 and its associated functionality. Applicant argued that prior art fails to disclose

the "command from a client, the command identifying an interface card or a network device

associated with an interface card or network device associated with an interface card".

As to applicant's argument Flood disclosed a program execution module completes a functional

chart step, it sends a command to the program execution module 18 containing the next step to

be executed. The command identifies the next step to be executed. The command identifies the

next step and instructs the program execution module to begin executing it (col. 5, lines 21-26).

The system controller 16 may be also connected via a cable to a local area network over which it may receive data and programming instructions, as well as issue status information and report data to a host computer. This enables a central host computer or central terminal to program and control the operation of a plurality of programmable controllers on a factory floor (col. 4, lines 61-67). On Applicant's request the Examiner conducted the interview on October 2, 2003, however Applicant fails to mention that Examiner equates that the "Commands from a Client" to the "Programming Instructions from a user (col. 4, lines 61-67)" of Claim 1. One with ordinary skill in the art at the time of the invention can equates the "Command from a Client" to a "Programming Instructions from a user". Examiner strongly disagree with the Applicant suggesting that "Command from a Client" is not the same to the "Programming Instruction". It is clearly understandable by one with ordinary skill in the art at the time of the invention the Command is similar to "Machine Instruction" or Computer Instructions or in other words called "Programmed Instructions".

Applicant alleges that prior art failed to disclose a "management card operable to.....establish a communication link between the client and particular one of the first interface card and the second interface card selected in response to the command communicated by the client".

As to applicant's argument Flood disclosed "the system controller 16 is connected through cable to a programming terminal 24, which is used to load the user programs into the programmable controller and configure its operation, as well as monitors its performance" (col. 4, lines 50-54). Also Flood disclosed " the system controller may also be connected via a cable 26 to a local area

network over which it may receive data and programming instructions, as well as issue status information and report data to a host computer" (col. 4, lines 61-64). One with ordinary skill in the art at the time of the invention knows that in order to receive data and programming instructions the System controller has to keep the communication or logical link. Also Flood disclosed another task supervised by the system controller is the exchange of the data with the host computer or peer programmable controller via the local area network"(col. 6, lines 11-14). One with ordinary skill in the art the time of the invention knows that in order to exchange data you have to have communication link established either between the Programmable controller equates to Interface card of claim 1 or the host computer.

Applicant alleges that prior art fails to identify which components equates to the "switch recited in Claim 2 and also fails to disclose "a processor coupled to the memory and the switch, the processor operable to: receive the command; determine the port associated with the particular interface card using the mapping information; and command the switch to establish the communication link between the client and the determined port information; and command the switch to establish the communication link between the client and the determined port" as recited in Claim 2.

As to applicant's argument Schneider disclosed in one embodiment of the system of the present invention, the user (with the help of a configuration file or configuration "wizard") manually establishes the correlation between the name of a system and its switch/port number (col. 14, lines 26-30); In an alternate embodiment, two or more different users may connect to the same

controller. In this embodiment the two or more users may control different control cards or may share access to the same controller card. In this embodiment, the captured GDI calls for a controller card are routed to the appropriate remote control software. Likewise, a user may be connected to the multiple control cards on one or more cards simultaneously (col. 14, lines 49-56); the control applications (220 and 240) utilize a multi-window architecture (e.g., the Multiple Document Interface (MDI) to support control for multiple target devices. When a target computer's window gains focus, the target controller automatically sends the appropriate keystroke sequence to the switch to select the corresponding switch port of that target computer (col. 14, lines 9-17). One ordinary skill in the art at the time of the invention knows that the target controller automatically sends the appropriate keystroke sequence to Switch to select the corresponding switch port of that target computer and in an alternate embodiment utilizes an automated configuration process. In that embodiment, the switches utilize one of the keyboard or mouse ports or a separate dedicated communications port to pass information from the target devices or switches up to target controller holds the common meaning to a processor coupled to the memory and the switch, the processor operable to: receive the command; determine the port associated with the particular interface card using the mapping information; and command the switch to establish the communication link between the client and the determined port information; and command the switch to establish the communication link between the client and the determined port. Where computer and Switch has a built in process that is know with by the one ordinary skill in the art at that time of invention.

Applicant alleges that prior art did not disclose wherein: the first interface card is coupled to a first network device that uses a first operating system the second interface card is coupled to a second network device that uses a second operating system and the processor is further operable to configure the management information for the operating system of the network device associated with the particular interface card.

As to applicant's argument Flood disclosed each remote I/O rack 17 has a plurality of local I/O modules 19 which are coupled to individuals sensors and actuators on the controlled equipment (col. 4, lines 36-39). Flood also disclosed the system controller is connected through cable to a programming terminal which is used to load the user programs into the programmable controller and configure its operation, as well monitor its performance (col. 4, lines 50-54). One with ordinary skill in the art at the time of invention can easily interrupt the first interface card is coupled to a first network device that uses a first operating system the second interface card is coupled to a second network device that uses a second operating system and the processor is further operable to configure the management information for the operating system of the network device associated with the particular interface card to each remote I/O rack 17 has a plurality of local I/O modules 19 which are coupled to individuals sensors and actuators on the controlled equipment. Flood also disclosed the system controller is connected through cable to a programming terminal which is used to load the user programs into the programmable controller and configure its operation, as well monitor its performance. Where I/O modules can be referred as first and second interface cards and the systems holds a built in processor that performs the management and configuration of the system.

For the above reason, it is believed that the rejections should be sustained.

Respectfully submitted,

Adnan Mirza

Adnan Mirza

April 08, 2004

Conferees

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